

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

NOAH JEREMY WIEHE)
) No. 3:07-1093
v.) JUDGE ECHOLS
)
CARL W. ZIMMERMAN, M.D., et al.)

ORDER

Pending before the Court is Defendant Carl W. Zimmerman, M.D.'s Application for Permission to Conduct Post-Verdict Juror Interviews (Docket Entry No. 237), to which neither Plaintiff nor the other Defendants have responded or requested to join the motion. Pursuant to Local Rule 7.01(b), failure to file a timely response to a motion indicates that there is no opposition to the motion.

Having carefully considered the motion and entire record, the motion is hereby GRANTED IN PART, subject to the requirements of the Court as provided herein. Counsel for Defendant Zimmerman may not conduct in-person interviews with the jurors as requested in the motion, but counsel will be permitted to submit proposed written questions to the Court for approval, along with a check in the amount of \$3.96 to cover the cost of stamps for mailing the questionnaires to the nine jurors. The approved questions will be mailed to the individual jurors as a group by the Clerk of the

Court. When the jurors' answers are received by the Court, the answers will be forwarded to counsel for Defendant Zimmerman.

Said proposed questions should be limited to the following topics requested by Defendant Zimmerman: (1) the arguments and evidence that were most important to their decision; (2) what additional information, if any, would the jurors like to have known; (3) positives and negatives regarding the performances of the lawyers; (4) the juror's assessment of the testimony of various witnesses; (5) the juror's assessment of the opening statements and closing arguments by the lawyers; and (6) any suggestions, positive or negative, to help improve the trial skills of the lawyers. The questions should not be directed at obtaining comments from jurors about the actual deliberative process or what went through the minds of individual jurors and/or the jury as a whole in arriving at their decisions and the final verdict in the case.

The questionnaire submissions shall be presented to the Court within ten (10) days of the date of entry of this Order.

IT IS SO ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE